

Exhibit L

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY
DOCKET NO. MID-L-003809-18AS

KAYME A. CLARK and)
DUSTIN W. CLARK,) 104 HEARING
)
Plaintiffs,) TRANSCRIPT OF
) PROCEEDINGS
v.)
) (VOLUME I)
)
JOHNSON & JOHNSON, et al.,)
et al.,)
)
Defendants.)

Place: Middlesex County Courthouse
56 Paterson Street
New Brunswick, New Jersey 08903

Date: May 29, 2024
9:02 a.m.

B E F O R E:

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EARLY, LUCARELLI,

SWEENEY & MEISENKOTHEN

1 Q. Okay.

2 A. Maybe I misunderstood what you were
3 asking.

4 Q. I just want to know what the variable
5 is that changed, okay, that changed so that now
6 you're identifying it. So, I'm exploring whether or
7 not that is the use of concentration. So, that's
8 what we're going to talk about now and, trust me,
9 we'll be talking about Calidria. Okay?

10 A. The variable that changed is that we
11 got our hands on the Calidria SG-210. That helped
12 the analyst understand what they were looking for
13 since the SG-210 has all the same characteristics of
14 what we're finding in the chrysotile. That's what
15 changed.

16 Q. Okay. Trust me, we're going to talk
17 about that.

18 When was the first time your lab ever
19 examined Calidria chrysotile?

20 A. The first time?

21 Q. Yep.

22 A. I think the first time is when we
23 looked at some Visbestos some years ago under court
24 order, and this was like in 2015 or '14, and we did
25 PLM analysis there. And if you go to your Exhibit

1 page 12 of the document. If we could call up slide
2 33.

3 So do you recognize this as an image
4 of Vermont talc, Johnson & Johnson Vermont talc,
5 taken by Dr. Sanchez' lab?

6 A. No.

7 Q. Okay.

8 A. I don't recall seeing it but is
9 this -- okay. It's in 1.552 oil, not 1.550.

10 Q. You can look at page 12.

11 A. Page 12.

12 Q. You see that the image is a lot
13 brighter first, right?

14 A. A lot brighter?

15 Q. The illumination, the ability to see
16 the particles.

17 A. Than this other one?

18 Q. Between yours and his and maybe it's
19 helpful to just put them up at the same time, slide
20 34.

21 A. If you're suggesting we don't have
22 the brightness all the way up, you are just dead
23 wrong. I know that's part of what you all think but
24 that's just not true.

25 Q. We're going to get to that. Why

1 Q. And so, we see the same kind of red
2 edge effect because of your imaging on the talc
3 plates also, right?

4 A. We have to get it in the same
5 orientation but some do, some don't.

6 Q. And I asked you about that initially
7 before you started relying on the edge effects to
8 call fibers chrysotile, I asked you about these edge
9 effects and you told me that when you see them on
10 particles, you don't know whether they were just an
11 artifact or not, correct?

12 A. When was that?

13 Q. That was in your Eagles deposition.

14 A. Then that must be correct.

15 Q. Okay. And I asked you whether these
16 red edges were an artifact and you said maybe, and
17 you would have to check if your focus was off,
18 right?

19 A. Yes.

20 Q. And so if we go back to 51, for
21 example, I've already got it up, if you're claiming
22 to see some sort of edge effect here that you're
23 basing your purple color on but it's an artifact,
24 then your entire analysis is wrong?

25 A. No, this analysis is not wrong. This

1 is chrysotile and I would need to be looking at the
2 microscope here. I stand by this. It's not wrong.
3 And we'll get to that more tomorrow, I guess.

4 Q. Well, slide 55, as you pointed out,
5 that if this edge effect that you're basing calling
6 this color, this purple, if that's just an artifact
7 of the image and not what you need to be focusing on
8 for dispersion staining, then when you do this
9 calculation, you're putting the wrong number in
10 there, it should be the number corresponding to the
11 yellow?

12 A. That is not yellow and, you know, if
13 it's this, if it's that. You know, chrysotile, the
14 birefringence can get as high as 0.017. So, it is
15 not wrong.

16 Q. Okay. So, I'm going to move now to
17 talking about illumination in your Valadez work.

18 MR. DUBIN: Your Honor, I don't know
19 if you prefer me to stop now and pick up after lunch
20 or go on for a little bit, I'm happy either way.

21 THE COURT: Do you have any
22 preference, Dr. Longo?

23 THE WITNESS: Probably might be a
24 good time to break for lunch.

25 THE COURT: All right.

1 we're all talking about. So, slide 85.

2 So, Calidria is, actually, just -- is
3 a brand name for a particular type of chrysotile
4 asbestos, right?

5 A. Correct. It's like amosite. Amosite
6 is not a mineral. It's the asbestos mines of South
7 Africa. So, it's just a tradename.

8 Q. The name comes from California and
9 the New Idria serpentine deposit, right?

10 A. That's right, good for you.

11 Q. Been there, so...

12 And the chrysotile from that area is
13 typically considered to be a unique chrysotile
14 formation that occurs there and perhaps one mine in
15 Yugoslavia, right?

16 A. Correct.

17 Q. In fact, you said you've never seen,
18 I think -- the chrysotile from there is completely
19 different from chrysotile that you find in Canada,
20 Vermont, Arizona, places like that; it's a different
21 sort of morphology is what you said, right?

22 A. If you put Calidria in like a Ziploc
23 bag, it looks like flour. If you take chrysotile
24 from Canada or 30 other places, it's almost like
25 cotton candy.

1 Q. As I understand it, your theory is
2 that because laboratories out there don't understand
3 what Calidria looks like, that's why they're
4 supposedly missing chrysotile in all of these talc
5 products, right?

6 A. That's what I think. There's got to
7 be a reason that other people aren't finding it
8 except with TEM are the ones I know about.

9 Q. And so, your theory is that this
10 unique form of chrysotile that's found in this one
11 location in California is the type of chrysotile or
12 the appearance of chrysotile that is found in talc
13 from Vermont, from Italy, from Montana, from every
14 other mine, talc mine in the United States, that
15 somehow this unique type of chrysotile structure
16 that has only been found in this one mine in
17 California has somehow jumped into talc from every
18 area in the United States and from Italy, right?

19 A. Now you're being silly. I'm sorry.

20 No. It's not jumped in there. And
21 also, these materials have been milled. You can go
22 to the RG -- the SG-210 chrysotile without us doing
23 anything has an average length of 10 microns, the
24 RG-144 without us doing anything has any average
25 length of about 80 microns. So, this not formed

1 CERTIFICATE OF OFFICER
2

3 I CERTIFY that the foregoing is a true
4 and accurate transcript of the testimony and
5 proceedings as reported stenographically by me at
6 the time, place and on the date as hereinbefore set
7 forth.

8 I DO FURTHER CERTIFY that I am neither
9 a relative nor employee nor attorney or counsel of
10 any of the parties to this action, and that I am
11 neither a relative nor employee of such attorney or
12 counsel, and that I am not financially interested in
13 the action.

14 

15 -----
16 ANDREA NOCKS, CCR, CRR

Certificate No. X100157300

17 Certificate No. XR00011300
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